

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FREDERICK ELLIS

Petitioner,

v.

MARK GARMAN, et al.,

Respondents.

CIVIL ACTION  
NO. 20-5269

**ORDER**

**AND NOW**, this 30th day of July 2021, upon consideration of the Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. No. 1) and upon review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells (Doc. No. 12) to which no objections have been filed and the pertinent record, it is **ORDERED** that:

1. The Report and Recommendation (Doc. No. 12) is **APPROVED** and **ADOPTED**.<sup>1</sup>
2. The Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. No. 1) is **DENIED**.

---

<sup>1</sup> As Judge Wells stated in her Report and Recommendation, Petitioner's claim that he was denied the right to court access because the PCRA court altered the statute of conviction without providing sentencing relief is procedurally defaulted. (See Doc. No. 12 at 6.) Further, Petitioner's due process, actual innocence, and ineffective assistance of counsel claims are belied by his state court record and without merit. (See id. at 6-8.) Therefore, the Report and Recommendation will be approved and adopted.

3. The Court finds that Petitioner has failed to make a substantial showing of a denial of a constitutional right and accordingly a certificate of appealability shall not issue.

BY THE COURT:

/s/ Joel H. Slomsky  
JOEL H. SLOMSKY, J.